



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 19, 2019

BY ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Kenneth Hoyt, 13 Cr. 148 (PKC)

Dear Judge Castel:

The Government writes, on behalf of the parties, to respectfully request that a conference be scheduled to address the violations of supervised release in the above-reference case. The parties have conferred, and are available on the following dates: December 27, 2019¹; January 13, 2020; January 14, 2020; and January 15, 2020, except for from 12 p.m. to 2 p.m. The parties can provide additional dates of availability if any of these dates are not convenient for the Court.

By way of background, the defendant was arrested on or about November 27, 2018 for violations of supervised release, including multiple violations of New York state criminal law, pursuant to a Violation Report filed by the United States Probation Office on or about November 27, 2018. On or about January 9, 2019, the United States Probation Office filed an Amended Violation Report (the "Amended Probation Report") specifying the following five violations of supervised release:

1. On or about November 12, 2018, in Brooklyn, New York, the defendant committed a state crime, public lewdness, in violation of New York Penal Law 245.00, a class B misdemeanor, in that he intentionally exposed the private or intimate parts of his body in a lewd manner or committed any other lewd act in a public place ("Violation 1");
2. In or about October 2018 and November 2018, in New York, New York, the defendant committed a state crime, sex offender registration violation, in violation of New York Correction Law Article 6C 168F, a class E felony, in that he failed to register with the Division of Criminal Justice Services no later than 10 calendar days after any change in address ("Violation 2");

¹ The undersigned Assistant United States Attorney is not available on December 27, 2019, but, if that is the date the Court sets, will prepare another Assistant United States Attorney to appear in her place.

*Conferred
set for
January 14, 2020 at 2:00 p.m.
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3. In or about October 2018 and November 2018, in New York, New York, the defendant failed to comply with the requirements of the Sex Offender Registration and Notification Act, 34 U.S.C. § 20901, as directed by the Probation Officer, the Bureau of Prisons, or any state sex offender registration agency in the location where he resided, was a student, or was convicted of a qualifying offense ("Violation 3");
4. In or about November 2018, the defendant failed to notify the U.S. Probation Officer of a change of address ("Violation 4"); and
5. On or about November 12, 2018, in New York, New York, the defendant committed a state crime, public lewdness, in violation of New York Penal Law 245.00, a class B misdemeanor, in that he intentionally exposed the private or intimate parts of his body in a lewd manner or committed any other lewd act in a public place ("Violation 5").

The violation of supervised release proceedings in this case were adjourned by the Honorable Robert W. Sweet, pending resolution of the defendant's underlying state cases which formed the bases for Violation 1 and Violation 5. On or about May 10, 2019, after a jury trial, the defendant was acquitted in Kings County Criminal Court of the charges that form the basis for Violation 1. On December 9, 2019, the defendant was convicted and sentenced in New York County Criminal Court for the following state crimes which form the basis for Violation 5: (a) public lewdness, in violation of New York Penal Law 245.00(a), for which he received a sentence of 60 days' imprisonment; and (b) exposure of a person, in violation of New York Penal Law 245.01, for which he received a sentence of time served.

Because the underlying state charges for Violation 1 and Violation 5 have now been resolved, the parties respectfully request that a conference be scheduled to address the federal violations of supervised release alleged in the Amended Probation Report. In addition, the parties are discussing a potential resolution of this case, and will apprise the Court of the status of those discussions by letter in advance of any such conference.

Respectfully submitted,

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United States Attorney for the
Southern District of New York

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cc: Jesse M. Siegel, Esq. (by email)
Jovanna Calderon, U.S. Probation Officer Specialist (by email)